

107TH CONGRESS
2D SESSION

S. 3089

To authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 10, 2002

Mr. LEVIN introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 The Congress finds that—

5 (1) Ukraine allows its citizens the right and op-
6 portunity to emigrate, free of any heavy tax on emi-
7 gration or on the visas or other documents required
8 for emigration and free of any tax, levy, fine, fee, or
9 other charge on any citizens as a consequence of the

1 desire of such citizens to emigrate to the country of
2 their choice;

3 (2) Ukraine has been found to be in full compli-
4 ance with the freedom of emigration requirements
5 under title IV of the Trade Act of 1974 since 1997;

6 (3) since reestablishing independence in 1991,
7 Ukraine has taken important steps toward the cre-
8 ation of democratic institutions and a free-market
9 economy and, as a member state of the Organization
10 for Security and Cooperation in Europe (OSCE), is
11 committed to developing a system of governance in
12 accordance with the principles regarding human
13 rights and humanitarian affairs that are set forth in
14 the Final Act of the Conference on Security and Co-
15 operation in Europe (also known as the “Helsinki
16 Final Act”);

17 (4) Ukraine has shown progress towards meet-
18 ing international commitments and standards in its
19 most recent Parliamentary elections, recognizing
20 that significant problems remain, including short-
21 comings in the implementation of Ukraine’s election
22 laws, illegal interference by public authorities in the
23 electoral process, and intimidation against opposition
24 contestants, activists, and voters.

1 (5) Ukraine is committed to addressing issues
2 relating to its national and religious minorities as a
3 member state of the OSCE and to adopting meas-
4 ures to ensure that persons belonging to national
5 minorities have full equality both individually and
6 communally;

7 (6) Ukraine has enacted legislation providing
8 protection against incitement to violence against per-
9 sons or groups based on national, racial, ethnic, or
10 religious discrimination, hostility, or hatred, includ-
11 ing anti-Semitism, and has committed itself, includ-
12 ing through a letter to the President of the United
13 States, to ensuring freedom of religion and pre-
14 venting racial and ethnic intolerance and hatred;

15 (7) Ukraine has engaged in efforts to combat
16 ethnic and religious intolerance by cooperating with
17 various United States nongovernmental organiza-
18 tions;

19 (8) Ukraine is continuing the restitution of reli-
20 gious properties, including religious and communal
21 properties confiscated from national and religious
22 minorities during the Soviet era, is facilitating the
23 revival of those minority groups, and is in the proc-
24 ess of developing a legislative framework for com-

1 pleting this process, as was confirmed in a letter to
2 the President of the United States;

3 (9) Ukraine has received normal trade relations
4 treatment since concluding a bilateral trade agree-
5 ment with the United States that entered into force
6 on June 23, 1992;

7 (10) Ukraine is making progress toward acces-
8 sion to the World Trade Organization, recognizing
9 that many central issues remain to be resolved, in-
10 cluding commitments relating to protection of intel-
11 lectual property rights, tariff and excise tax reduc-
12 tions for goods (including automobiles), trade in
13 services, agricultural subsidy levels, elimination of
14 export incentives for industrial goods, reform of cus-
15 toms procedures and technical, sanitary, and
16 phytosanitary measures, and inclusion of trade rem-
17 edy provisions;

18 (11) Ukraine has enacted some protections re-
19 flecting internationally recognized labor rights, but
20 serious gaps remain both in the country's legal re-
21 gime and its enforcement record, with areas of par-
22 ticular concern including restrictions on independent
23 unions, interference in collective bargaining of inde-
24 pendent unions, and unsafe conditions at work;

1 (12) Ukraine has established exemplary rela-
2 tions with all neighboring countries, and pursues a
3 course of European integration with a commitment
4 to ensuring democracy and prosperity for its citi-
5 zens; and

6 (13) Ukraine has participated with the United
7 States in its peacekeeping operations in Europe and
8 has provided important cooperation in the global
9 struggle against international terrorism.

10 **SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF**
11 **THE TRADE ACT OF 1974 TO UKRAINE.**

12 (a) PRESIDENTIAL DETERMINATIONS AND EXTEN-
13 SIONS OF NONDISCRIMINATORY TREATMENT.—Notwith-
14 standing any provision of title IV of the Trade Act of 1974
15 (19 U.S.C. 2431 et seq.), the President may—

16 (1) determine that such title should no longer
17 apply to Ukraine; and

18 (2) after making a determination under para-
19 graph (1) with respect to Ukraine, proclaim the ex-
20 tension of nondiscriminatory treatment (normal
21 trade relations treatment) to the products of that
22 country.

23 (b) TERMINATION OF APPLICATION OF TITLE IV.—
24 On and after the effective date of the extension under sub-

1 section (a)(2) of nondiscriminatory treatment to the prod-
2 ucts of Ukraine—

3 (1) title IV of the Trade Act of 1974, except for
4 section 406, shall cease to apply to that country; and

5 (2) section 406 of the Trade Act of 1974 shall
6 apply to Ukraine to the same extent as such section
7 applies to a Communist country.

8 **SEC. 3. POLICY OF THE UNITED STATES.**

9 It is the policy of the United States that the United
10 States remain fully committed to a multifaceted engage-
11 ment with Ukraine, including by—

12 (1) urging Ukraine to continue its current
13 policy—

14 (A) of providing for the free emigration of
15 its citizens;

16 (B) of safeguarding religious liberty
17 throughout Ukraine;

18 (C) of enforcing existing Ukrainian laws at
19 the national and local levels to combat ethnic,
20 religious, and racial discrimination and violence;
21 and

22 (D) of expanding the restitution of reli-
23 gious and communal properties, including es-
24 tablishing a legal framework for the completion
25 of such restitution in the future;

1 (2) working with Ukraine, including through
2 the Secretary of Labor and other appropriate execu-
3 tive branch officials, to address the areas described
4 in section 1(11) and ensuring that progress is made
5 in such areas as part of Ukraine's eligibility for the
6 Generalized System of Preferences under title V of
7 the Trade Act of 1974, as required by title V of that
8 Act;

9 (3) ensuring that Ukraine's terms of accession
10 to the World Trade Organization provide meaningful
11 market access opportunities for United States busi-
12 nesses, farmers, and workers, and promote adoption
13 of market principles and policies by Ukraine;

14 (4) ensuring that Ukraine makes substantial
15 and meaningful progress in enacting and enforcing
16 the protection of intellectual property before Ukraine
17 joins the World Trade Organization, and considering
18 such progress as part of Ukraine's eligibility for the
19 Generalized System of Preferences under title V of
20 the Trade Act of 1974, as required by title V of that
21 Act; and

22 (5) continuing rigorous monitoring by the
23 United States of human rights issues in Ukraine, in-
24 cluding the issues described in paragraphs (1) and
25 (2), providing assistance to nongovernmental organi-

1 zations and human rights groups involved in human
2 rights activities in Ukraine, and attempting to estab-
3 lish annual discussions with Ukraine regarding those
4 issues, including the participation of United States
5 and Ukrainian nongovernmental organizations in
6 such discussions.

7 **SEC. 4. REPORTING REQUIREMENT.**

8 The reports required by sections 102(b) and 203 of
9 the International Religious Freedom Act of 1998 (22
10 U.S.C. 6412(b) and 6433) shall include an assessment of
11 the status of the issues described in section 3(1).

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